



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
West Permits Section/South Permits Branch
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2004-774 (IP-RMT) **OCT 07 2004**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) as described below.

APPLICANT: Hamilton Harbor, Incorporated
3003 Tamiami Trail North
Naples, Florida 34103

WATERWAY & LOCATION: The project site involves coastal-forested wetlands, coastal herbaceous wetlands, freshwater-forested wetlands and other waters of the US within and abutting Naples Bay. The project site is located in south Naples Bay at the end and on the south side of Bay Street in Sections 22, 23, 26 & 27 Township 50 South, Range 25 East, in Naples, Collier County, Florida.

LATITUDE & LONGITUDE: Latitude 26°06'05" North; Longitude 81°17'0" West

PROJECT PURPOSE:

Basic: The applicant proposes to construct a commercial marina.

Overall: The applicant proposes to construct a commercial marina with access to Naples Bay, in Collier County, Florida.

PROPOSED WORK: The project site is a 175.44-acre parcel that contains 94.44 acres of mangrove-forested wetlands, 0.57 acres of herbaceous tidal wetlands, 43.8 acres of open tidal waters, 1.69 acres of tidal ponds, 0.27-acre tidal creek, 7.67 acres of disturbed freshwater-forested wetlands, 4.13 acres of mixed forested wetlands and 22.87 acres of uplands. The applicant is proposing to construct a commercial marina with 36 wet-slips fitted with sewer pump-out stations, a 325 dry-slip boat storage facility, a yacht club, a public fueling facility, a marine contractor material loading area and an aid to navigation. The applicant proposes to impact 4.89 acres of wetlands by discharging 7,006 cubic yards of fill into 0.21 acres of herbaceous tidal wetlands, 2.37 acres of disturbed freshwater-forested wetlands and 1.17 acres of disturbed mixed

forested wetlands. Approximately 11,250 cubic yards of materials will be dredged from 0.48 acres of disturbed mangrove-forested wetlands, 0.54 acres of disturbed freshwater-forested wetlands and 0.12 acres of open tidal waters. The proposed docks and access ramps total (18,532 square feet) 0.43 acres. Additionally the applicant proposes to maintenance dredge 15,806 cubic yards of materials from 1.60 acres of an existing boat channel .The dredge materials are to be used as fill for the proposed yacht club, dry storage facility and parking areas.

As compensation for wetland impacts the applicant proposes to enhance and preserve 104.17 acres of wetlands on site that will consist of 80.93 acres of mangrove forested wetlands, 13.02 acres of disturbed mangrove forested wetlands, 0.36 acres of tidal herbaceous marsh, 4.94 acres of disturbed freshwater-forested wetlands, 1.96 acres of tidal creek and ponds, and 2.96 acres of mixed forested wetlands. Additionally the preserve will contain 12.35 acres of upland buffer/wildlife preserve areas. The preserve area will also contain 41.42 acres of open tidal waters. An additional off-site 3.25-acre wildlife habitat preserve area, contiguous with the onsite preserve, is also proposed. The preserve is to be placed into a conservation easement granted to the City of Naples. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

THREATENED AND ENDANGERED SPECIES: The area of the project site provides potential habitat for the federally endangered West Indian manatee (*Tricheus manatus*). The Corps has reviewed the information provided and determined that since the proposal would result in the addition of thirty-six (36) new wet boat slips and 325 new dry boat slips, the proposal would result in a significant increase in boat utilization in the area. As such, the project may affect the West Indian manatee but would not result in an adverse modification to its critical habitat.

A significant portion of the project site (to be developed) is within 1,500 feet (the secondary management zone) of an active bald eagle (*Haliaeetus leucocephalus*) nest. Based on the proximity of the project to the nest the Corps of Engineers has determined that the proposed project may affect the bald eagle.

The project site contains habitat suitable for the Eastern indigo snake (*Drymarchon corais couperi*). The applicant has agreed to follow the "Standard Protection Measures for the Eastern Indigo Snake"; therefore, the Corps has determined that this project as proposed "may affect, but is not likely to adversely affect," the indigo snake

The Corps of Engineers is unaware of any other threatened or endangered species concerns at the project site. The determinations for the West Indian manatee, bald eagle and the Eastern indigo snake will be coordinated with the U.S. Fish and Wildlife Service via separate letter.

ESSENTIAL FISHERIES HABITAT: This notice initiates the Essential Fisheries Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would directly impact 0.7 acres of vegetated tidal wetlands within Naples Bay used by various life stages of shrimp, red drum, reef

fish, stone crab, migratory/pelagic fish, and the snapper/grouper complex. Our initial determination is that the proposed action would have a minimal adverse impact on EFH of federally managed fisheries in the Gulf of Mexico. As compensation for wetland impacts the applicant proposes to enhance and preserve an area on site that includes 97.27 acres of vegetated tidal wetlands. . Our initial determination is that the proposed action would have a minimal adverse impact on EFH of federally managed fisheries in the Gulf of Mexico. Our final determination is relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service (NMFS).

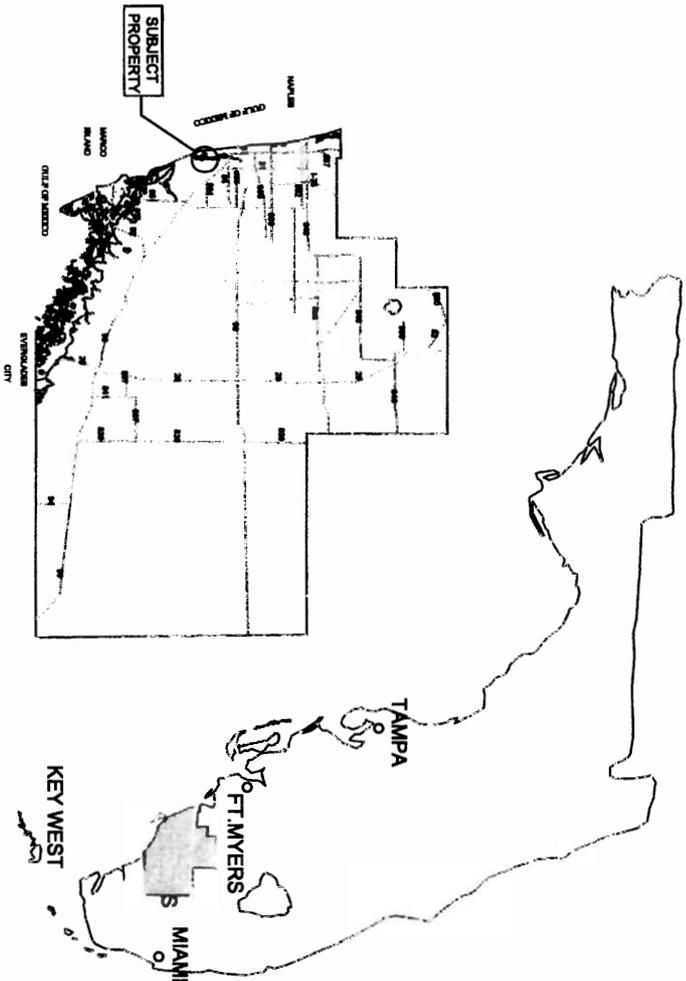
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The Corps of Engineers has verified the wetland jurisdictional boundaries.

AUTHORIZATION FROM OTHER AGENCIES: The Florida Department of Environmental Protection (FDEP) is currently reviewing this permit application (site # 11-0226196-001-EI06).

Comments regarding the application should be submitted in writing to the District Engineer at the U.S. Army Corps of Engineers; Fort Myers Regulatory Office; 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919 within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Mr. Robert Tewis at the Fort Myers Regulatory Office, 1520 Royal Palm square Blvd., Suite 310, Fort Myers, Florida 33919 by telephone 239-334-1975 or by e-mail Robert.M.Tewis@saj02.usace.army.mil.

STATE OF FLORIDA



COLLIER COUNTY



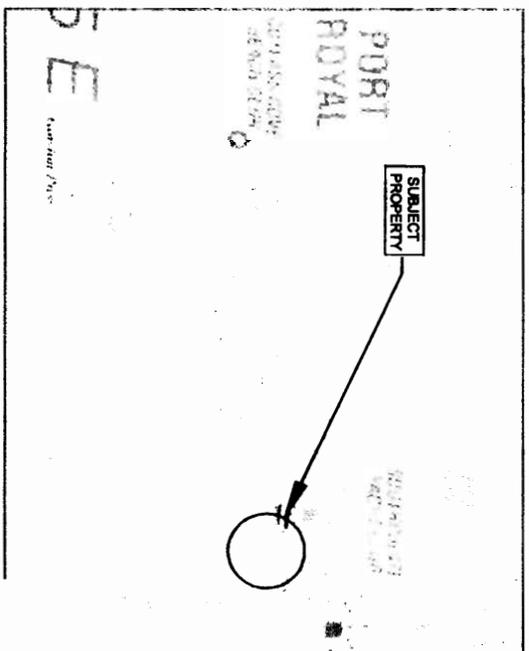
LATITUDE: N 26° 6' 5"
LONGITUDE: W 81° 47' 0"

TODD T. TURRELL
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: SEP 10, 2004 11:14:39

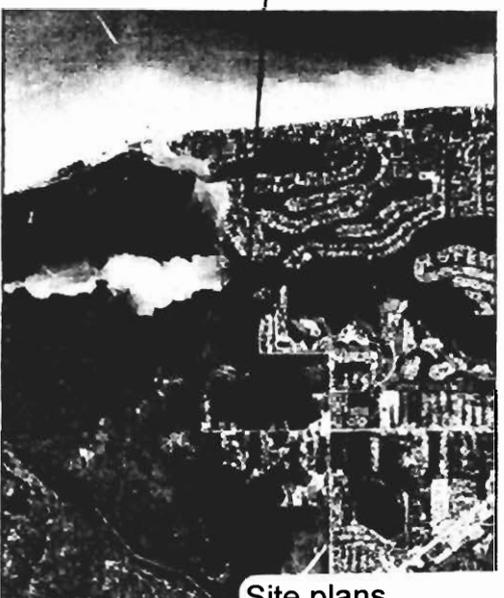
NOTES:
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Turrell & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B, Naples, FL 34104-3732
Email: turrell@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632



VICINITY MAP



COUNTY AERIAL

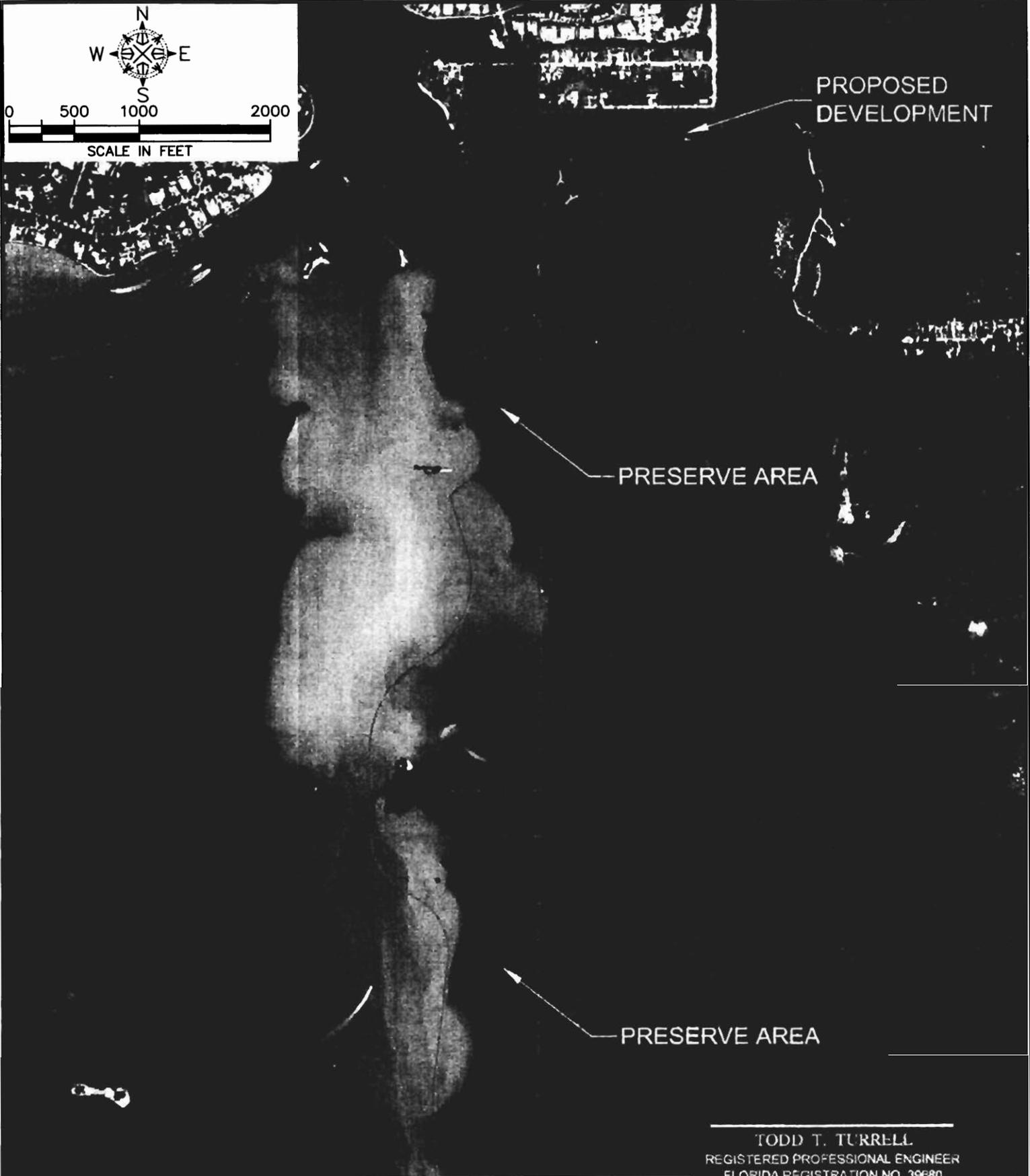
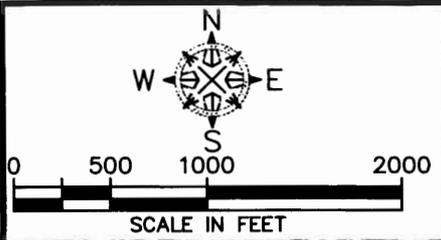
Site plans
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HAMILTON HARBOR

LOCATION MAP

DESIGNED	T.T.T.	REVISION	TAB NAME	LOC. MAP
DRAWN	ND		SHEET	1
DATE	10-13-03		SCALE	N/A
JOB NO.	0396			

SECTION- 22,23,24,27TOWNSHIP- 50 S RANGE- 25 E



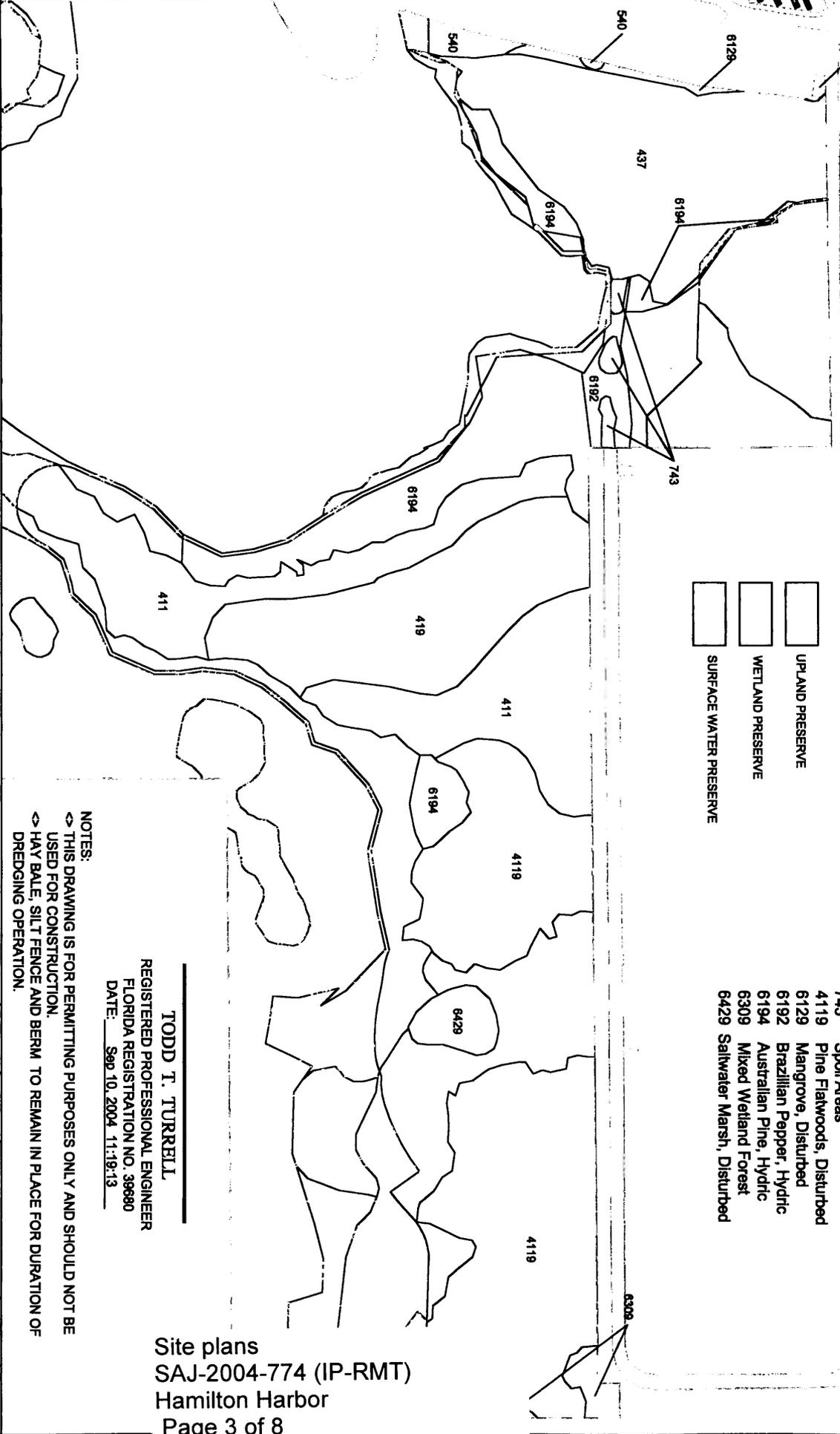
TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39680
 DATE: Sep 10, 2004 11:15:01

Site plans
 SAJ-2004-774 (IP-RMT)
 Hamilton Harbor
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 **Turrell & Associates,**
 Marine & Environmental Cons
 3584 Exchange Ave. Suite B. Naples, FL 3410
 Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 64

DESIGNED	T.T.T.	REVISION	TAB NAME	EXST
DRAWN	KD	N/A	SHEET	2
DATE	10-15-03	N/A	SCALE	1"=1000'
JOB NO.	0356	N/A		

SECTION-22,23,25 WNSHIP- 50 S RANGE- 25 E



- UPLAND PRESERVE
- WETLAND PRESERVE
- SURFACE WATER PRESERVE

CODE	DESCRIPTION
411	Pine Flatwoods
419	Other Pines
437	Australian Pine
540	Bays and Estuaries
743	Spill Areas
4119	Pine Flatwoods, Disturbed
6129	Mangrove, Disturbed
6192	Brazilian Pepper, Hydric
6194	Australian Pine, Hydric
6309	Mixed Wetland Forest
6429	Saltwater Marsh, Disturbed

NOTES:
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TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 38680
 DATE: Sep 10, 2004 11:19:13

Site plans
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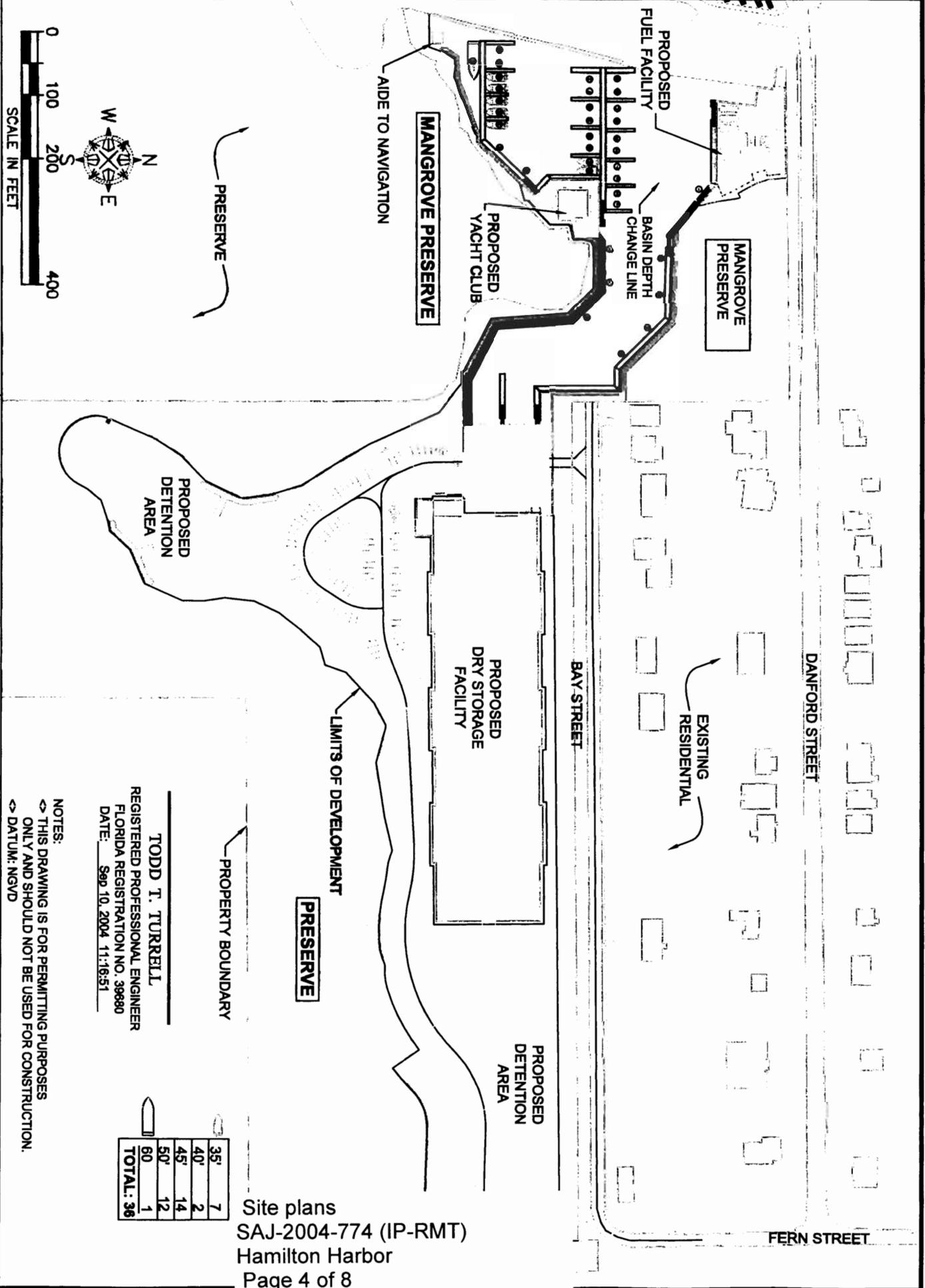
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HAMILTON HARBOR

DEVELOPMENT AREA FLUCFCS

DESIGNED	T.T.T.	REVISION	TAB NAME	DEV. FLUCFCS
DRAWN	KD		SHEET	7A
DATE	08/28/03		SCALE	1"=200'
JOB NO.	0366			

SECTION--22.23.26.27TOWNSHIP--50 S RANGE--25 E





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HAMILTON HARBOR
PROJECT PLANVIEW

NOTES:
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 <- DATUM: NGVD

TODD T. TURRELL,
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39680
 DATE: Sep 10, 2004 11:16:51

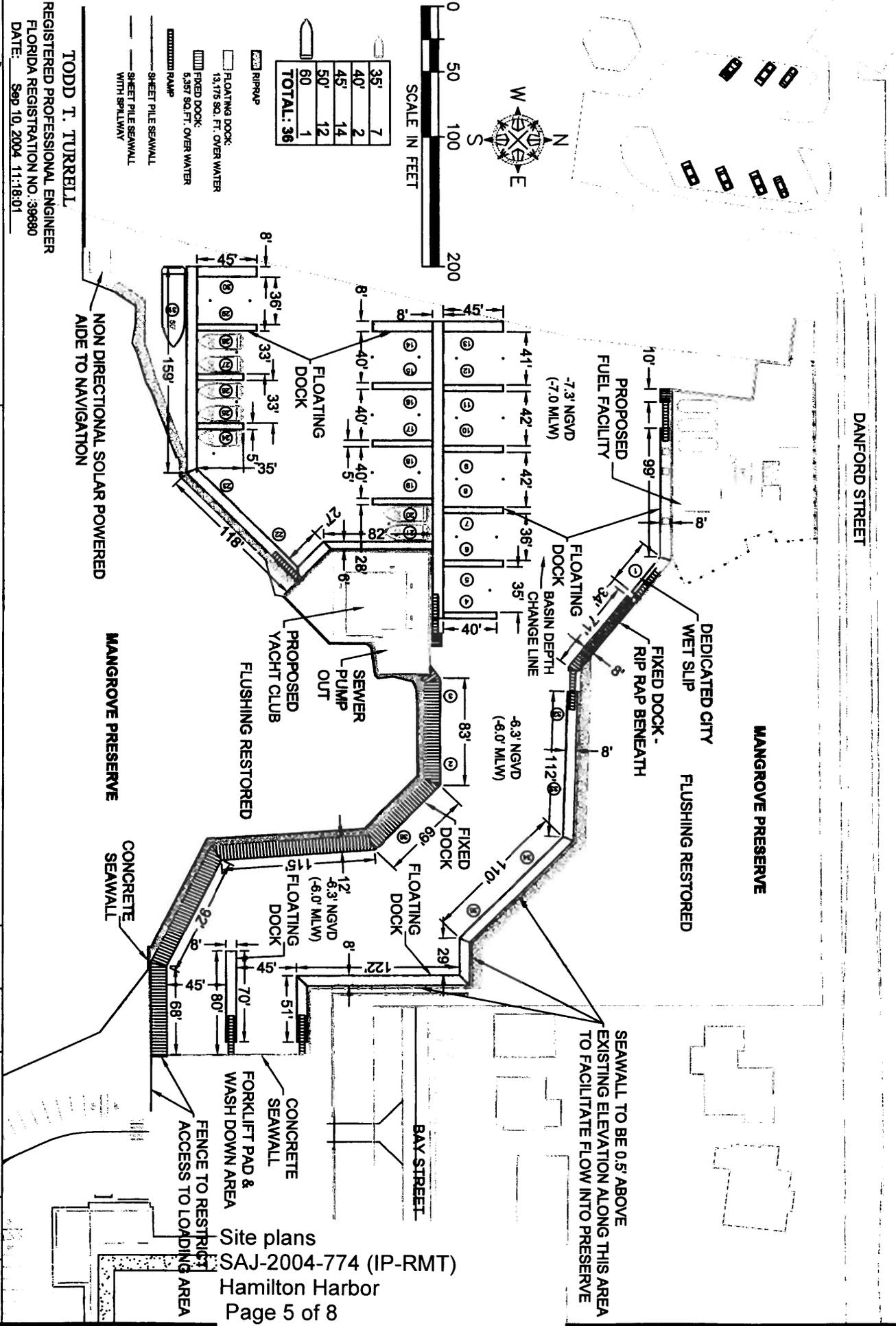
35'	7
40'	2
45'	14
50'	12
60	1
TOTAL:	36

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DESIGNED	T.T.T.	REVISION	TAB NAME	PROP
DRAWN	KD		SHEET	4
DATE	09/28/03		SCALE	1" = 200'
JOB NO.	0356			0356

SECTION-2223.26.27TOWNSHIP-50 S RANGE-26 E

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35'	7
40'	2
45'	14
50'	12
60'	1
TOTAL:	36

TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39880
 DATE: Sep 10, 2004 11:18:01

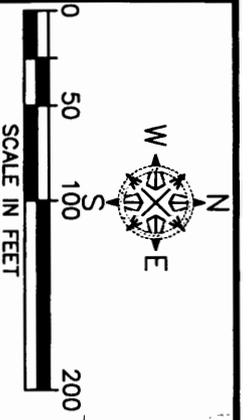
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HAMILTON HARBOR

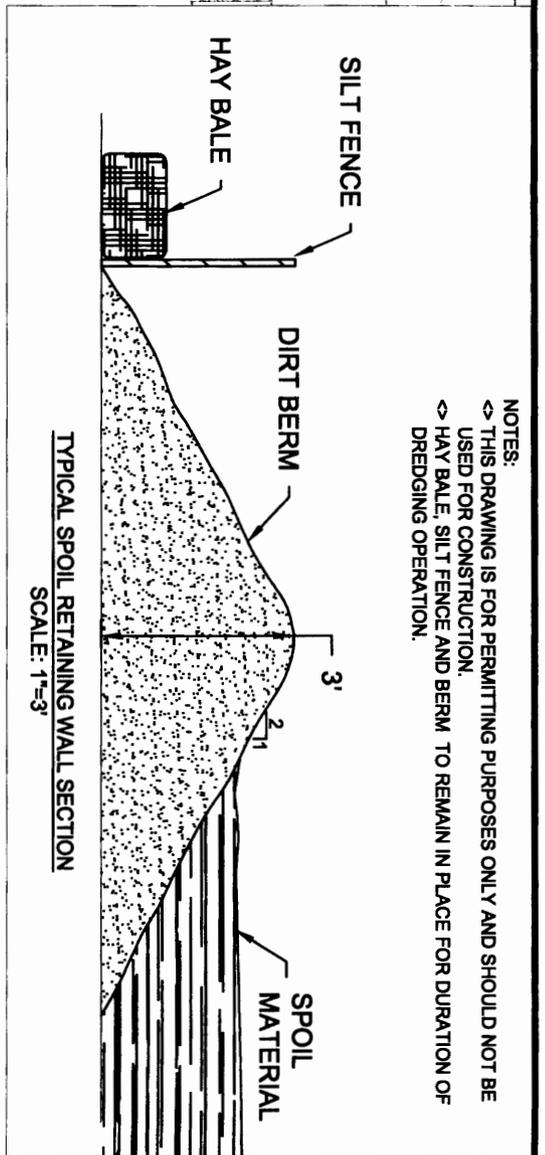
PROPOSED DOCKING FACILITIES

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JOB NO.	0356			
SECTION-22.23.28.2TOWNSHIP-50 8		RANGE-25 E		

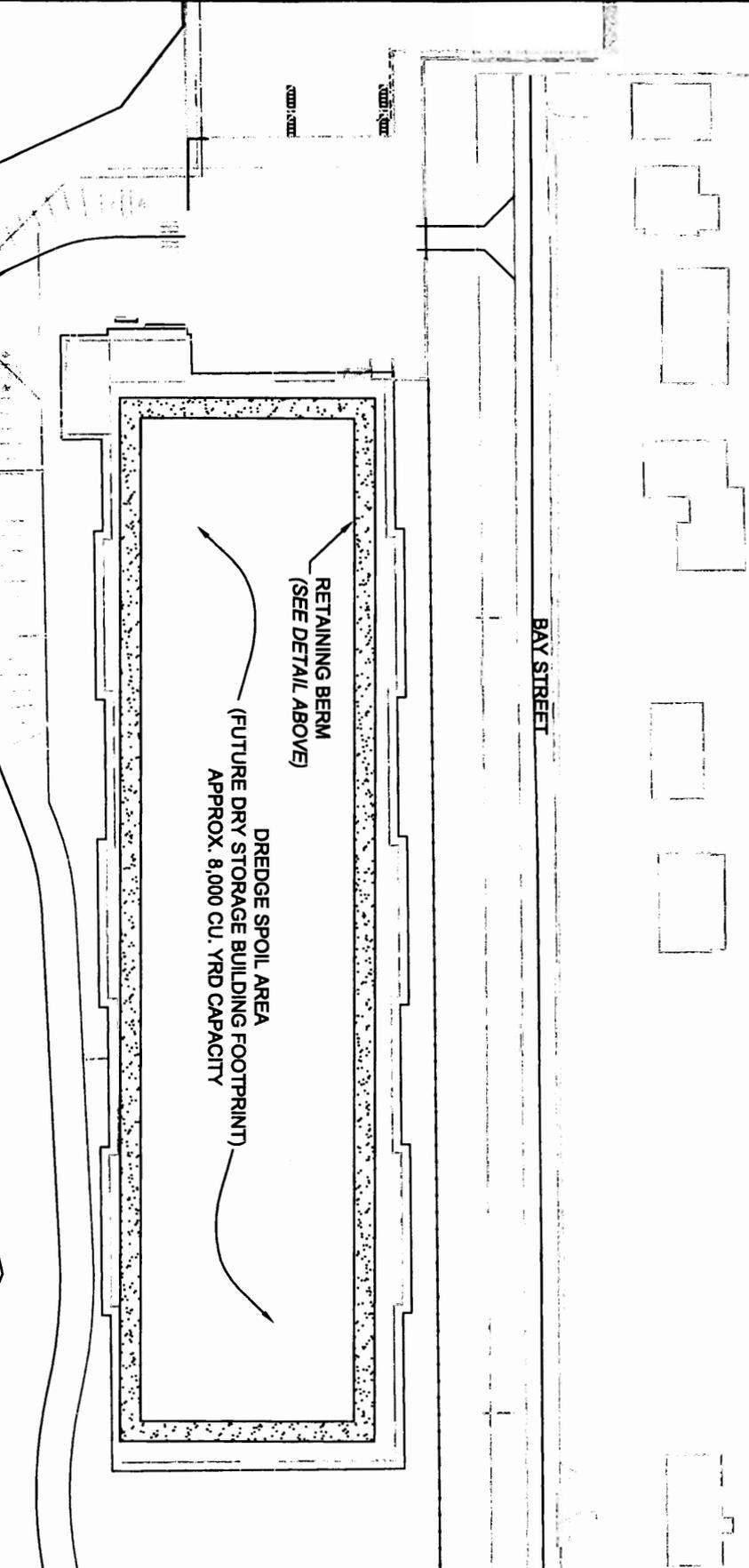
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TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39680
 DATE: Sep 10, 2004 11:20:09



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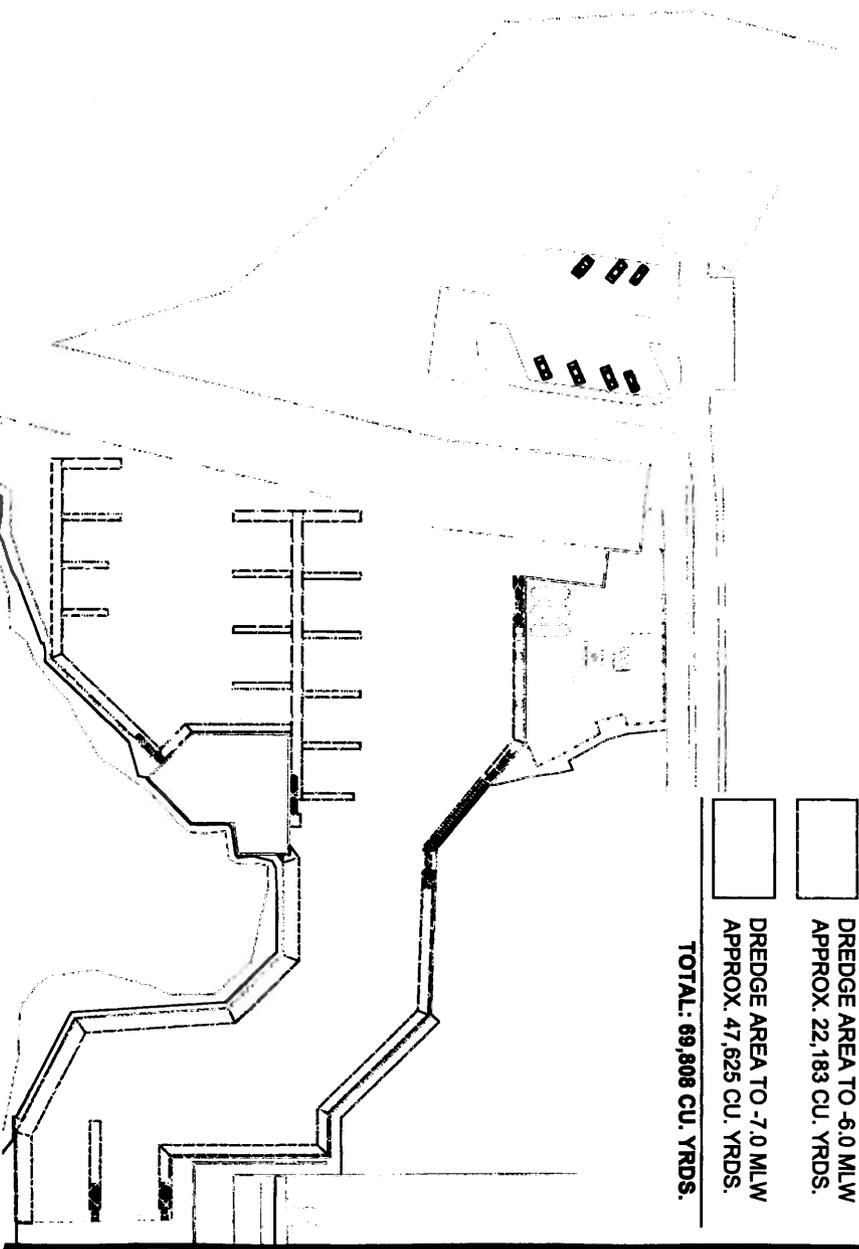
HAMILTON HARBOR
 SPOIL CONTAINMENT AREA DETAIL

DESIGNED	T.T.T.	REVISION	TAB NAME	SPOIL
DRAWN	KD		SHEET	8
DATE	08/29/03		SCALE	AS SHOWN
JOB NO.	0366		USER/OWNER/ISS	

SECTION-22.23.26.27TOWNSHIP- 50 S RANGE- 25 E



TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 39680
 DATE: Sep 10, 2004 11:18:36



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PROPOSED DREDGE EXTENTS

APPROXIMATE FEDERAL CHANNEL



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HAMILTON HARBOR
BASIN & CHANNEL DREDGE

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DESIGNED	T.T.T.	REVISION	TAB NAME	Blg	Dredge	MM
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SECTION-22,23,28,27TOWNSHIP-50 S				RANGE-28 E		



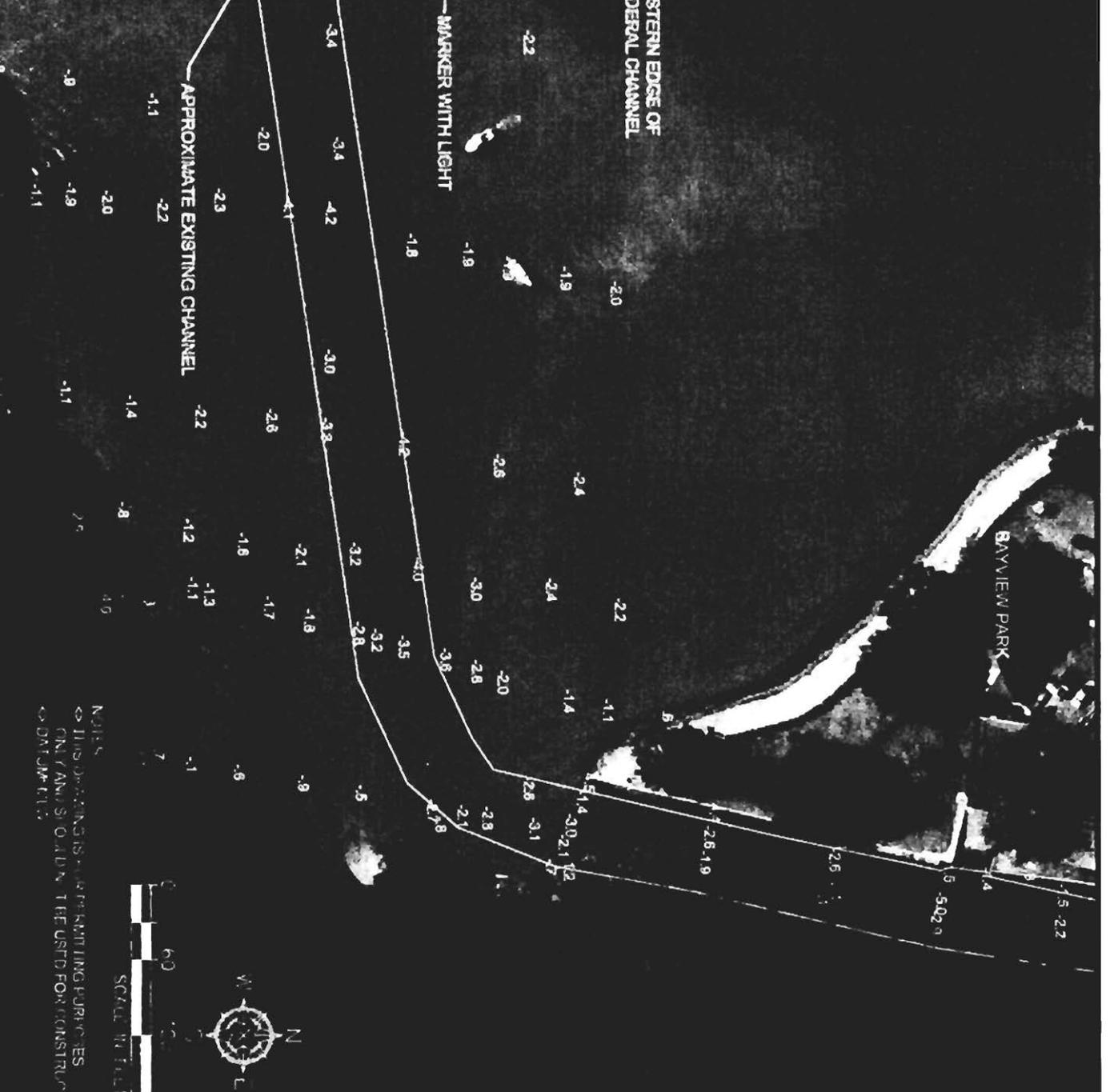
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HAMILTON HARBOR

EXISTING MLW DEPTHS

DESIGNED	T.T.T.	REVISION	TAB NAME	EXST. CONT.
DRAWN	KD		SHEET	3
DATE	09/28/03		SCALE	1" = 120'
JOB NO.	0356			
SECTION-22.23.28.27TOWNSHIP-90 S			RANGE-28 E	

TODD T. TURRELL
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA REGISTRATION NO. 38960
 DATE: Sep 10, 2004 11:18:55



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IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

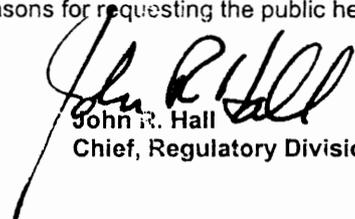
IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division